

REMARKS

The present amendment is in response to the Official Action mailed November 14, 2006. Applicant has amended claims 1 and 7-12. Claims 1-2 and 5-12, as amended, remain pending.

Reexamination and reconsideration of the above-identified application in light of the amendments and remarks that follow are respectfully requested. Because the present claims, as clarified, are believed to be in condition for allowance over the prior art, it is submitted that good and sufficient cause exists for the entry for this amendment in accordance with 37 C.F.R. § 1.116.

The Examiner has rejected claims 1 and 7-12 under 35 U.S.C. § 112 ¶¶ 1 and 2, asserting that he has failed to find in the specification "where the final scenes are independent of the individual shared scenes that make it up" (the § 112 ¶ 1 rejection) and that "it is not clear how the final scenes are independent from the individual shared scenes that make it up" (§ 112 ¶ 2 rejection). Applicant believes that the Examiner has misread the claim language. To avoid confusion, Applicant has amended the independent claims only for purposes of clarifying that it is the **shared objects** that are (1) separately controllable independent of the defined shared scenes and (2) in accordance with the predetermined specification. For example, Applicant has clarified claim 1 to read:

each of the shared scenes comprising one or more shared objects that are controllable for display to create final scenes, the shared objects being separately controllable independent of the defined shared scenes in which the shared objects are displayed in accordance with the predetermined specification

The other independent claims are likewise clarified. With this clarification, Applicant requests that the § 112 ¶¶ 1 and 2 rejections be withdrawn.

In the Official Action, the Examiner has again rejected all of the pending claims as being unpatentable over U.S. Patent No. 5,682,326 to Klingler et al. ("Klingler") under 35 U.S.C. § 102(b). For the reasons explained below, it remains the case that the claims are not anticipated by Klingler.

Klingler, the only applied reference in the Official Action, fails to disclose each every element or step of the invention as specified in the claims, and thus cannot anticipate the claims. The disclosure relied upon by the Examiner in Klingler relates to the creation of "programs" or movies by the use of video clips, transitions and special effects and does not form the type of final scenes, in the same manner, as the claimed invention.

By contrast, in accordance with the present invention, the editor is provided with shared scenes that include shared objects (such as the object "ob1" in Fig. 16A) that are normally controlled independently to be displayed in a final scene, without regard to a shared scene. In the past, the more difficult way an editor would create a final scene, such as MHEG scene 2 of Fig. 16D, would be to decide when to turn each individual object on or off for display in given final scene. However, as described, for example, in paragraphs [0267]-[0268] of the present application, the editor would need to have sufficient knowledge of the object scripting language to enable editing work done using only shared objects, on an object-by-object basis. Such prior editing tools only had the functionality of turning a shared object on or off simultaneously for all scenes, which made it difficult for the editor to utilize a *shared object* effectively among the various scenes. With the present invention, the editor can carry out

editing work using *shared scenes* (not objects alone) to create final combined scenes. These final scenes then ***simultaneously display all of the shared objects*** in each of the combined shared scenes. As a result of the selection of shared scenes, the editor can create a final scene with the objects that he or she wants displayed without worrying about scripting needed to selectively turn shared objects on or off.

Klingler does not anticipate the claimed invention because it does not disclose at least four claimed elements; namely, (1) controllable objects, (2) shared scenes, (3) control information, and (4) shared object control information.

First, any "objects" in Klingler are self-contained within each clip, and there is no disclosure of objects in one clip that can be separately selected or controlled such that they are displayed or not displayed in that clip or another clip. For example, if one clip had a mountain "object" in the background, there is no disclosure of being able to turn that mountain object on or off in that clip or in another clip. Each clip is a stand alone reference clip, such that if there is any common "object" among the clips, it is merely because the clips were shot with or created with common visual elements. There is no disclosure of an editor being able to turn on or off the display of separately controllable objects from scene to scene. Rather, Klingler allows the editor to merely arrange clips, transitions and special effects, sequentially in time, as shown in its Fig. 5, to create a final movie program in a given output format.

Second, a video reference clip, even with an effect applied, is not a "shared scene" as defined by the present claims. In Klingler, two of its reference clips are not combined together (*i.e.*, superimposed on one another) to form a "final clip" for use in the movie. Rather, the reference clips are sequentially presented, one after another, to form a movie

of the selected sequential clips. Two or more reference clips are not combined for creating "final scenes in which the **shared objects** selected by combining shared scenes are specified for display **at the same time.**" Klingler's reference clips are also not shared scenes because they do not have shared objects that can be separately controlled. Any common elements in Klingler's reference clips (e.g., a background mountain) cannot be turned on or off in a clip as noted above.

Third, Klingler lacks "control information" since it does not have shared scenes with shared objects as claimed; it does not disclose describing control information based on the shared scenes.

Fourth, Klingler lacks "shared object control information." Since Klingler has no control information or final combined shared scenes as claimed, it also lacks shared object control information to form the final scenes.

On page 9 of the Office Action, the Examiner notes that he disagrees with Applicant's prior arguments that Klingler fails to teach or suggest shared scenes which are combined to form final scenes that display all of the objects from the combined shared scenes at the same time. The Examiner states that he disagrees because "Klingler teaches the organization, and display of the clips in a project window. The clip scenes contain objects, such as video, audio, effects, etc. that make up the movie, which is to be displayed. The user can select scenes that contain objects to be presented to a user at the same time in a synchronized fashion, as outlined by a timeline (col.7, lines 21-67, fig.3-5)."

First, the fact that Klingler has a project window that displays indicia of the clips to be used (as shown for example in Fig. 4) does not mean that there are "shared scenes" with "shared objects" as defined by the claims. The "shared scenes" of the present claims contain "one or more **shared**

objects that are **controllable for display** to create final scenes" and the shared objects are "**separately controllable independent of the defined shared scenes** in which the shared objects are displayed **in accordance with the predetermined specification.**" In contrast, the clips of Klingler do not contain shared objects that can be displayed independently of the shared scenes in which contain them. Likewise, Klingler does not include "converting the control information into shared object control information for forming the final scenes in which the **shared objects** selected by combining shared scenes **are specified for display at the same time** in the final scenes."

Second, the presentation of consecutive, separate clips, in a synchronized fashion, is not what is claimed. Rather, the claims called for shared scenes that comprise one or more shared objects that are controllable for display, as explained above.

Finally, below is a summary chart, using claim 1 as an example, showing why Klingler does not anticipate this claim or the other independent claims that include these features:

Claimed Invention	Not Present in Klingler - Therefore Cannot Anticipate
1. An information processing editing apparatus for allowing an editor to create final scenes from content information according to a predetermined specification, comprising:	

Claimed Invention	Not Present in Klingler - Therefore Cannot Anticipate
<p>a shared-scene creation module operable to allow the editor to define shared scenes, the shared scenes being virtual scenes formed in accordance with an internal format and used to form the final scenes, each of the shared scenes comprising one or more shared objects that are controllable for display to create final scenes, the shared objects being separately controllable independent of the defined shared scenes in which the shared objects are displayed in accordance with the predetermined specification;</p>	<p>Shared scenes - Klingler's reference clips are not shared scenes as they do not have shared objects that can be separately controlled for display - any common display elements in Klingler's reference clips (e.g., a background mountain) cannot be turned on or off in a clip</p> <p>Shared, controllable objects - Klingler's reference clips do not contain controllable objects, and two of such clips are not combined together to create a final clip, let alone a final clip with shared objects - the reference clips are merely presented in the order chosen by the user</p>
<p>a shared-scene processing module operable to enable the editor to select two or more shared scenes, each of the selected shared scenes comprising one or more of the shared objects, to be combined for creating final scenes with the shared objects from each selected shared scene;</p>	<p>Shared scenes to be combined for creating final scenes with the shared objects from each selected shared scene - Klingler's clips are not combined (e.g., "overlaid" like Applicant's Fig. 16D) to create final scenes that display the shared objects from each scene to be combined</p>
<p>an application creation module operable to describe control information in accordance with the internal format based on the shared scenes set by the editor via said shared-scene creation and processing modules; and</p>	<p>Control information - Since Klingler does not have shared scenes with shared objects as claimed, it does not disclose describing control information based on the shared scenes</p>

Claimed Invention	Not Present in Klingler - Therefore Cannot Anticipate
<p>an output control module for converting the control information into shared object control information for forming the final scenes in which the shared objects selected by combining shared scenes are specified for display at the same time in the final scenes in accordance with the predetermined specification.</p>	<p>Shared object control information - Since Klingler has no control information or final combined shared scenes as claimed, it also lacks shared object control information to form the final scenes</p> <p>Display at the same time - Klingler's clips are not combined (e.g., overlaid) to create final scenes that display the shared objects at the same time</p>

For the foregoing reasons, it is respectfully submitted that none of the pending independent or dependent claims are anticipated by Klingler. As such, it is requested that the Examiner withdraw the § 102(b) rejection of all the claims over Klingler.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 16, 2007

Respectfully submitted,

By _____

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